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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Peter Iwen, et al.

Serial No.: 09/580,797

Filed: May 30, 2000

For: "Materials and Methods for
Molecular Detection of Clinically
Relevant Pathogenic Fungal Species")

Examiner: Goldberg, J.

Group Art Unit: 1634

Response to paper No. 16

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AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER 37 C.F.R.

§1.116

In response to the Official Action dated July 25, 2002,
please amend the above-identified application as follows:

In the claims:

2. (Twice Amended) A method of determining whether one or more
fungal *Aspergillus* species is present in a sample, said method
comprising the following steps:

a) extracting nucleic acid material from fungi
contained in a patient sample from a patient suspected of
having an *Aspergillus* infection;

b) adding two oligonucleotide primers, one of said
primers consisting of SEQ ID NO:1 and the other primer
consisting of SEQ ID NO:2, said primers bracketing a
hypervariable region on the rRNA present in the fungal species
of said group, and said primers being capable of amplifying
Aspergillus ustus (SEQ ID NO:3), *Aspergillus terreus* (SEQ ID
NO:4), *Aspergillus niger* (SEQ ID NO:5), *Aspergillus fumigatus*
(SEQ ID NO:6), *Aspergillus flavus* (SEQ ID NO:7), and
Aspergillus nidulans (SEQ ID NO:8);

c) amplifying the sequence between said primers; and
d) using one or more detectably labeled probes
directed to a portion of the hypervariable region bracketed by